

Customer No.: 31561
Application No.: 10/605,214
Docket No.: 9789-US-PA

REMARKS

Present Status of the Application

This is a full and timely response to the outstanding final Office Action mailed on January 26, 2005. It is noted with great appreciation that the Examiner considers claims 3, 5-7, 10, 12-14 as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Office Action, however, rejected claims 1-2, 4, 8-9, and 11 under 35 U.S.C. § 102(b) as being anticipated by Shi et al. (USP 5,693,956).

Claims 1-14 remain pending of which claims 1 and 8 have been amended and claims 3-4 and 10-11 have been cancelled without disclaimer, waiver or prejudice. It is believed that no new matter is added by way of these amendments made to the claims or otherwise to the application.

After carefully considering the remarks set forth in this Office Action and the cited references, it is however strongly believed that the cited references are deficient to adequately teach the claimed features as recited in the presently pending claims. The reasons that motivate the above position of the Applicant are discussed in detail hereafter, upon which reconsideration of the claims is most earnestly solicited.

Discussion of Office Action Rejections

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*The Office Action rejected claims 1-2, 4-5, and 7-9 under 35 U.S.C. 102(b) as being
Shi et al. (U.S. Patent 5,693,956).*

Applicants respectfully traverse the 35 U.S.C §102(b) rejection for at least the reasons that the prior art reference fails to teach either expressly or inherently each and every element of the claim in issue.

The present invention teaches, among other things, providing an ion beam to perform surface treatment on the passivation layer which is already formed thereon. Contrary to the Office Action's assertion, Shi does not teach providing an ion beam to perform surface treatment on the passivation layer which is already formed thereon. Shi instead teaches forming the dielectric medium layer 30 by thermal evaporation, sputtering or PECVD methods. Applicants respectfully disagree with the Office's contention that the teaching of Shi in col. 3, ln 17-21, "dielectric medium layer 30 is preferably formed from one of silicon nonoxide (SiO), silicon oxide (SiO_x), silicon dioxide (SiO₂) or silicon nitride (Si₃N₄) and is generally applied by thermal evaporation, sputtering or PECVD methods" , can be construed as Shi discloses performing a sputtering process to perform a surface treatment on the surface of the passivation layer. Although a sputtering process can be applied for a surface treatment purpose, in the context of the Shi's teaching, the sputtering is used for the deposition of the dielectric medium layer. Among the thermal evaporation and the PECVD methods described

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in Shi, it is only reasonable to conclude that the sputtering is directed to methods for depositing the dielectric medium rather than for surface treatment.

However, in order to facilitate early allowance and issuance of other claims in the present invention, Applicants have cancelled claims 3-4 and 10-11 without waiver, disclaimer or prejudice, and amended independent claims 1 and 8 to incorporate the subject matter in claims 3 and 10, respectively, which the Examiner considered as allowable subject matter. The submission of the amendments by the Applicants is solely to advance the prosecution of the application, without conceding that the 102 (b) rejections is properly based.

For at least these reasons, Applicants respectfully assert that claims 1 and 8 patentably define over Shi. Since claims 2, 4 & 8, 9, 11 are dependent claims which further define the invention recited in claims 1 and 8, Applicant respectfully assert that these claim is also in condition for allowance. Therefore, reconsideration and withdrawal of these rejections are respectfully requested.

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CONCLUSION

For at least the foregoing reasons, it is believed that the presently pending claims 1-2, 5-9 and 12-14 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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